

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CIVIL ACTION NO. 05-10286-PBS

**DOMINIC DIMODICA,
Plaintiff,**

v.

**ROBERT MURPHY, *et al.*,
Defendants.**

**MOTION TO EXTEND TIME OF DEFENDANTS ROBERT MURPHY,
KATHLEEN DENNEHY AND THE MASSACHUSETTS DEPARTMENT OF
CORRECTION TO FILE ANSWER
(Assented to by Plaintiff)**

The Massachusetts Department of Correction (“DOC”), Kathleen Dennehy and Robert Murphy (collectively, the “DOC Defendants”), hereby request that the Court further extend the time for them to file an answer to the Amended Complaint, if one is required, from January 15, 2007, to and including February 15, 2007, the date on which their summary judgment motion is required to be filed.

As grounds for this motion, the DOC Defendants state that their undersigned counsel returned from an extended leave on January 2, 2007. The undersigned counsel intends to file a motion to dismiss or, in the alternative, for summary judgment by February 15, 2007, as required by the Court’s Order dated September 27, 2006. Thus, it is likely that no answer to the Amended Complaint will be required. To the extent that an answer is required, allowing it to be filed along with the dispositive motion will not delay the resolution of this case.

WHEREFORE, the DOC Defendants respectfully that this Court allow this motion.

Respectfully submitted,
Massachusetts Department of Correction,
Kathleen Dennehy and Robert Murphy,

By their attorneys,

NANCY ANKERS WHITE
Special Assistant Attorney General
/s/ Mary P. Murray

By: Mary P. Murray, Counsel (BBO # 555215)
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Massachusetts Treatment Center
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(508) 279-8184
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Dated: January 12, 2007

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

Pursuant to Local Rule 7.1 of the Local Rules of the United States District Court for the District of Massachusetts, I hereby certify that I have conferred by telephone with Jennifer Serafyn, the Plaintiff's counsel, who has indicated that the Plaintiff assents to this extension of time.

/s/ Mary P. Murray
Mary P. Murray

Certificate of Service

I hereby certify that I caused a copy of the within document to be served on counsel of record electronically through the ECF system for those registered as of this date and by first class mail to any party not registered as of this date.

/s/ Mary P. Murray
Mary P. Murray

Dated: January 12, 2007